

602 KAR 50:100. Standards for marking or lighting structures.

RELATES TO: KRS 183.861-183.990, 14 C.F.R. Part 77

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 allows the Kentucky Airport Zoning Commission to regulate the use of land within and around all public use and military airports within Kentucky. This administrative regulation is promulgated to describe the standards for the marking or lighting of structures which penetrate the airspace under the jurisdiction of the Kentucky Airport Zoning Commission.

Section 1. The Advisory Circular No. AC 70/7460-1K, Obstruction Marking and Lighting, issued by the Federal Aviation Administration effective March 2000 shall govern the marking and lighting of structures which:

- (1) Penetrate the jurisdictional airspace of the commission; or
- (2) Have been determined by the commission to be an obstruction to safe air navigation.

Section 2. A person who is issued a permit to alter or construct a structure shall mark or light the structure in accordance with the applicable standards of the Federal Aviation Advisory Circular, "Obstruction Marking and Lighting", unless the commission determines that the absence of the marking or lighting will not impair the safety of air navigation.

Section 3. Any structure that exceeds 200 feet above ground level shall be obstruction marked or lighted in accordance with the standards of the Federal Aviation Advisory Circular, "Obstruction Marking and Lighting", unless the commission determines the absence of the marking or lighting will not impair the safety of air navigation.

Section 4. (1) A holder of a commission permit that requires obstruction marking and lighting as a condition for the approval of the application may request a change in that requirement to maintain or improve the system based upon technological advances.

(2) Before changes or alterations are made to the previously approved obstruction marking or lighting system, a request shall be:

- (a) Made in writing; and
- (b) Approved by the commission.

Section 5. If an existing, permitted and standing facility is abandoned, the permit holder shall continue to maintain obstruction marking or lighting which was required by the commission unless the facility is physically removed.

Section 6. During the construction or alteration of a structure, once any portion of the structure exceeds 200 feet above ground level, it shall be obstruction marked and lighted in accordance with the standards of the Federal Aviation Advisory Circular, "Obstruction Marking and Lighting", unless the commission determines the absence of this marking or lighting will not impair the safety of air navigation and so states when the permit is issued.

Section 7. Incorporation by Reference. (1) Advisory Circular No. AC 70/7460-1K, Obstruction Marking and Lighting, issued by the Federal Aviation Administration effective March 2000 is incorporated by reference.

(2) This material may be inspected, or copied, subject to applicable copyright law, from the Zoning Administrator, Division of Aeronautics, 200 Mero Street, Station: W3-09-02, Frankfort, Kentucky

40622, Monday through Friday, 8 a.m. to 4:30 p.m. The telephone number is (502) 564-4480. The fax number is (502) 564-7953.

(3) This material may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328. (KAV-17; 1 Ky.R. 807; eff. 5-14-75; Am. 2 Ky.R. 16; eff. 9-10-75; 5 Ky.R. 599; eff. 3-7-79; 10 Ky.R. 449; 772; eff. 1-4-84; 12 Ky.R. 1632; eff. 5-6-86; 19 Ky.R. 805; eff. 11-4-92; 23 Ky.R. 4222; 24 Ky.R. 341; eff. 8-11-97; 27 Ky.R. 2234; 2777; eff. 4-9-2001.)